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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,963	07/25/2001	Yoshi Fujita	393032027300	7127

25224 7590 04/06/2005

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EXAMINER	
SELLERS, DANIEL R	
ART UNIT	**PAPER NUMBER**
2644	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,963	FUJITA ET AL.	
	Examiner	Art Unit	
	Daniel R. Sellers	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/22/03 01/10/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Owner's Manual of the VS-1680 Digital Studio Workstation by the Roland Corporation (hereinafter Roland).

3. Regarding claim 1, see Roland

A multi-track digital recording/reproducing apparatus for recording and reproducing digital audio data by using multiple tracks, comprising:
a recording track-designating section that designates at least one track for recording, from a plurality of tracks, as desired; (p. 36, Switching Track Conditions section)
a reproducible track number-determining section that determines a number of tracks that can be reproduced, in response to the designation of the at least one track for recording; and
a reproducing track number-limiting section that limits a number of tracks for reproduction to the number of tracks that can be reproduced, by automatically muting at least predetermined one of tracks designated for reproduction, when the number of tracks designated for reproduction is larger than the number of tracks that can be reproduced.

Roland teaches a digital multi-track recording/reproducing device that allows for designating the recording/reproducing status of each track. They teach that you cannot specify more than eight (8) tracks for record or source, wherein source is taught to be a monitoring track. It is inherent, in the art of recording and reproducing audio on a digital audio workstation, that the number of tracks to be recorded to or played back is limited by the hardware used to implement the system. It is also inherent that this limit causes a design choice of allowing the

user to select a channel and override a previous setting of another channel, or to disallow the user to select a channel, which would override a previous designation to any or all channels.

4. Regarding claim 2, the further limitation of claim 1, see Roland

... including a reproducing track-changing section that is capable of changing any of the tracks designated for reproduction, so long as the number of tracks designated for reproduction is equal to or smaller than the number of tracks that can be reproduced.

Roland teaches a reproducing track-changing section with these features.

5. Regarding claim 3, see Roland

3. A multi-track digital recording/reproducing apparatus for recording and reproducing digital audio data by using multiple tracks, comprising:

a multi-track recorder that is capable of performing recording and reproduction of data on a plurality of tracks;

a plurality of external input terminals that are capable of receiving data from at least one external device; (pp. 18-19)

a plurality of external output terminals that are capable of outputting data to at least one external device; (pp. 18-19)

a plurality of mixer input channels that control characteristics of data inputted thereto and output the data; (p. 23, first paragraph)

a first selection section that causes the data inputted to said external input terminals to be selectively inputted to at least designated one of said mixer input channels; (p. 61, lower picture)

a plurality of mixing buses that each mix data inputted thereto and output the mixed data; (p. 24)

a second selection section that causes the data outputted from the tracks of said multi-track recorder to be selectively inputted to at least designated one of said mixing buses; (p. 42, top picture)

a third selection section that causes the data outputted from said mixer input channels to be selectively inputted to at least designated one of said mixing buses; (p. 24)

a fourth selection section that causes the mixed data outputted from each of said mixing buses to be selectively inputted to at least designated one of said external output terminals as data to be outputted therefrom; (p. 24, Mix bus section)

a fifth selection section that causes the mixed data outputted from each of said mixing buses to be selectively inputted to at least designated one of the tracks of said multi-track recorder; (p. 26, Track Mixer section)

a display section that displays in text format selection settings of said first selection section for selective input of the data inputted to said external input terminals to the at least designated one of said mixer input channels, and at the same time displays in graphical representation selection settings of said third selection section for selective input of the data outputted from said mixer input channels to the at least designated one of said mixing buses and selection settings of said fifth selection section for selective input of the mixed data from each of said mixing buses to the at least designated one of the tracks in a manner following respective data transfer paths; and (p. 42, input and track mixer settings, and p. 45 top picture)

a selection control section that changes the selection settings of said first, third and fifth selection sections and selection settings of said second and fourth selection sections in response to user's instructions. (p. 16)

Roland teaches these features in a digital multi-track recording/reproducing system.

6. Regarding claim 4, the further limitation of claim 3, see the preceding argument with respect to claim 3. Roland teaches a user input section with display feedback of the user's input with respect to routing selections.

7. Regarding claim 5, the further limitation of claim 3, see the preceding argument with respect to claim 3. Roland teaches operating elements with these features.

8. Regarding claim 6, see the preceding argument with respect to claim 3. Roland teaches these features and the feature of controlling the characteristics of the input data (p. 75, Adjusting the Tone section).

9. Regarding claim 7, see the preceding argument with respect to claim 3. Roland teaches these limitations and teaches routing the recorded channels through a mixer, equalizer, and fader to be recorded again (p. 26, Track Mixer picture).

10. Regarding claim 8, see the preceding argument with respect to claim 6. Roland teaches these features in a digital multi-track recording/reproducing device.

11. Regarding claim 9, see the preceding argument with respect to claim 1. Roland teaches this method.

12. Regarding claim 10, see the preceding argument with respect to claim 3. Roland teaches this method of allowing a user to select the routing assignments and displaying the assignments on a display in a digital multi-track recording/reproducing apparatus.

13. Regarding claim 11, see the preceding argument with respect to claim 10. Roland teaches these features in the digital multi-track recording/reproducing apparatus.

14. Regarding claim 12, see the preceding argument with respect to claim 3. Roland teaches these features in the digital multi-track recording/reproducing apparatus.

15. Regarding claim 13, see the preceding argument with respect to claim 3. Roland teaches these features in the digital multi-track recording/reproducing apparatus. Roland also teaches the use of an execution button (p. 35, Execute the Operation section)

16. Regarding claim 14, see the preceding argument with respect to claim 1. Roland teaches this feature, and it is inherent, in Roland's digital audio workstation, that a program is being executed to perform this functionality.

17. Regarding claim 15, see the preceding argument with respect to claim 10. Roland teaches an apparatus with this functionality, and it is inherent that a program being executed on the digital apparatus is providing this functionality.

18. Regarding claim 16, see the preceding argument with respect to claims 11 and 15. Roland teaches these features for a recording/reproducing program.

19. Regarding claim 17, see the preceding argument with respect to claim 12. Roland teaches these features for a recording/reproducing program.

20. Regarding claim 18, see the preceding argument with respect to claim 13. Roland teaches these features for a recording/reproducing program.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ajamian, U.S. Patent No. 6,870,936.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

SINH TRAN
SUPERVISORY PATENT EXAMINER

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS

SINH TRAN
SUPERVISORY PATENT EXAMINER